

REMARKS

I. General

Claims 1-36 are pending in the present application.

Claims 1-36 were rejected under 35 U.S.C. § 102(e) as being anticipated by El-Hennawey et al. (US 2004/0071084).

Claims 1, 2, 6, 9, 21 and 22 have been amended. Claim 4 has been cancelled. Support for the subject matter of the amended Claim 1 is found in the originally filed Claim 20 and in the originally filed specification on at least page 28, lines 18-22; Figure 6 and page 50, line 29 to page 51, line 2. No new matter has been added.

I. Rejection of Claims 1-36 were rejected under 35 U.S.C. § 102(e) as being anticipated by El-Hennawey et al. (US 2004/0071084)

Claim 1

In response to the rejection of Claim 1 in the Office Action, Applicant respectfully but strongly submits that the reference disclosure, El-Hennawey et al., does not anticipate Applicant's invention in the amended Claim 1.

Applicant's Claim 1 recites "a speech quality evaluation means which evaluates the speech quality of a call between said telephone terminals using: (a) sound signals which are transmitted by said sound signal transmitter; (b) sound signals which are received by said sound signal receiver; and (c) a sound delay associated with the transmission of said first packet that is received as said second packet, the sound delay being used as a packet delay." (see page 28, lines 18-22; Figure 6; and page 50, line 29 to page 51, line 2 of Applicant's specification.) El-Hennawey's QoS perceptual voice quality parameter, on the other hand, is determined by only comparing sound signal transmitted in test packets to a reference sample. (See para [0052] and [0058] of El-Hennawey.) Unlike Applicant's speech quality which is evaluated based on transmitted sound, received sound, and the sound delay, El-Hennawey's voice quality parameter is determined without the use of any delay parameter associated with the transmission of a packet, especially a sound delay that is used as a packet delay. Although, El-Hennawey is able

to determine end-to-end delay and round trip delay, these are determined as other QoS parameters separate from the perceptual voice quality parameter. In other words, the delays are not used in any way in the evaluation of the QoS perceptual voice quality parameter. (See para [0058] of El-Hennawey.)

Applicant submits that for anticipation under §102, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. The anticipation requires identity in the claimed elements. Such is not the case between Applicant's and El-Hennawey's system as discussed above.

In view of the foregoing, it is respectfully submitted that Claim 1 is clearly distinguished from what is disclosed by El-Hennawey et al. and thus is allowable under 35 U.S.C. §102 over El-Hennawey et al.

With respect to Claims 2, 3, and 5-17, Applicant submits that these claims are also allowable in that they depend from Claim 1. However, some of these claims are patentable for the following additional reasons.

Applicant's Claim 2 recites "wherein said first packet capturing device and said second packet capturing device capture a packet which corresponds to a sound part in said sound signals." (See page 17, lines 4-15 and page 27, lines 4-5 and lines 10-19 of Applicant's specification). In other words, information related to the transmission of a packet corresponding to a sound part of the sound signals is used to evaluate the speech quality. As mentioned above, El-Hennawey does not disclose the use of any delay parameter in the evaluation of its perceptual voice quality parameter. Consequently, El-Hennawey cannot and therefore does not disclose the more specific use of a packet corresponding to a sound part for such a purpose.

Applicant's Claim 3 recites "said speech quality evaluation means determines the amount of sound delay by comparing: (1) said sound signals which are transmitted by said sound signal transmitter; (2) said sound signals which are received by said sound signal receiver for each sound part in the respective signals" As mentioned above, no delay parameter is used in the determination of the El-Hennawey's perceptual voice quality parameter. Therefore, El-Hennawey cannot and therefore does not disclose the more specific use of Applicant's every sound delay in determining speech quality.

Each of Claims 7-9 recites “said speech quality evaluation means evaluates the speech quality of a call between said telephone terminals by determining the R-value using said amount of sound delay.” Applicant submits that evaluation of speech quality according to these claims involves determining the R-value using the amount of sound delay. Again, as mentioned above, the determination of the perceptual voice quality parameter does not involve any delay parameter other than the test packets and reference signal. And delay in El-Hennawey is determined as a parameter that is separate from the perceptual voice quality parameter. El-Hennawey therefore does not disclose the feature of Applicant’s Claims 7-9.

Claim 10 recites “said display means displaying in a time series format the mean value in a prescribed period of time for the R-value which is determined using said speech quality evaluation means; the amplitude of the fluctuations in the mean value within said prescribed period of time for the R-value which is determined is displayed in overlapping fashion.” El-Hennawey, especially the cited portions thereof, does not mention any display means, much less one that displays in the specific manner recited in Applicant’s Claim 10.

Claim 12 recites “the evaluation being carried out in prescribed time units whether or not the evaluation of the communication between said telephone terminals has been completed.” Applicant submits that evaluation is forced to terminate when the prescribed time unit is up regardless of whether the evaluation of the communication between said telephone terminals has been completed. (See page 19, lines 25-27; and page 21, lines 25-29.) El-Hennawey does not disclose any such prescribed time unit. El-Hennawey discloses that test packets are sent during parts of silence (also known as periods of inactivity) during a live call. The length of such inactivity is not prescribed but is dependent on the nature of the live calls themselves. (See para [0022] and [0023] of El-Hennawey.)

Claim 18

Claim 18 recites “a device which determines the first amount of sound delay wherein the first decoded sound signals are decoded from the first packet capturing device and which compares (a) the sound signals which have been transmitted by said sound signal transmitter and

(b) said first decoded sound signals; a device which determines the second amount of sound delay wherein the second decoded sound signals are decoded from the second packet capturing device and compares: (a) said first decoded sound signals and (b) said second decoded sound signals; and a device which determines the third amount of sound delay by comparing: (a) the sound signals which are received by said sound signal receiver and (b) said second decoded signals.” Applicant submits that three different amounts of sound delay in an end-to-end connection are determined according to Claim 18, while only one single end-to-end delay is disclosed in El-Hennawey.

Claims 19-22, 24, 27, 29, 30, 32, 34 and 36

Each of these claims recites at least one of the following:

“the sound part of a sound signal”,

“sound delay”,

“prescribed time units”, and

“display . . . displays in overlapping fashion . . . within prescribed period of time . . .”.

All these features have been described above as not disclosed by El-Hennawey. Applicant thus submits that these claims and the claims that variously depend therefrom are also allowable.

Claim 26

Claim 26 recites “said database stores either sound signals or packet data or both of these which are related to the call between said telephone terminals when the speech quality of a call which has been evaluated is degraded when compared to the prescribed value.” El-Hennawey, however, discloses a storage device that keeps track of availability of the various routes through the data network. Sound signals and packet data are vastly different from availability of various routes. El-Hennawey therefore does not disclose the specific database recited in Claim 26.

CONCLUSION

In view of the discussions set forth herein, it is respectfully submitted that the grounds for the Examiner's rejections have been overcome. Accordingly, it is respectfully submitted that Claims 1-3, and 5-36 should be found to be in condition for allowance.

Respectfully submitted,

/Marc Bobys/

Marc Bobys
Reg. No. 45,267
MB/SWN

Tel.: +65 6215 8672

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AGILENT TECHNOLOGIES, INC.
Legal Department, M/S DL 429
Intellectual Property Administration
P.O. Box 7599
Loveland, Colorado 80537-0599